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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 DANIEL CASTILLO,

7 Plaintiff,

8 v.

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10  
11 NOVARTIS AG,

12 et al.,

13 Defendants.  
14

Cause Number C02-5133R

REVISÉD ORDER SETTING TRIAL  
& PRETRIAL SCHEDULES

15 HAVING considered counsels' need to conduct case specific expert discovery, the Court  
16 hereby revises the trial and pretrial schedules as follows:

17 **DATES**

- 18
- 19 • The parties' ADR obligations pursuant to Case Management Order  
20 No. 18A are triggered by issuance of this order
  - 21 • A ten day jury trial will begin before Judge Rothstein or another  
22 Judge in the Western District of Washington at 9:30 a.m. on **3 January 2005**
  - 23 • All discovery, including expert discovery, shall be completed **6 September 2004**  
24 and counsel shall file any discovery motions sufficiently in  
advance of this date to permit the court to rule prior to the  
close of discovery
  - 25 • All dispositive motions must be filed by **16 September 2004**  
26 and noted on the motion calendar no later than the fourth  
Friday thereafter (see CR 7(d))

ORDER

1 • An agreed pretrial order must be lodged and all motions  
2 *in limine* filed by  
3 (Motions *in limine* are to be noted for the second Friday  
after filing.)

**6 December 2004**

4 • Trial briefs, proposed *voir dire*, proposed jury instruction  
5 shall be filed on

**20 December 2004**

6 • A pretrial conference will be scheduled as the trial date approaches.

7 The dates set forth in this order may be changed only by order of the Court, not by agreement  
8 of counsel or the parties. The Court will alter these dates only upon good cause shown: failure to  
9 complete discovery within the time allowed is not recognized as good cause. If the trial date  
10 assigned to this matter creates an irreconcilable conflict, counsel must notify the Deputy Clerk  
11 and opposing counsel in writing within 10 days of the date of this Order, setting forth the exact  
12 nature of the conflict. Failure to do so will be deemed a waiver. Counsel must be prepared to  
13 begin trial on the date scheduled; however, it should be understood that the trial may have to  
14 await the completion of other cases.

### COOPERATION

16 As required by CR 37(h), all discovery matters are to be resolved by agreement if possible.  
17 Counsel are further directed to cooperate in preparing the final pretrial order in the format required  
18 by CR 16.1, except as ordered below.

### EXHIBITS

21 The original and one copy of the trial exhibits are to be provided to the Court's Deputy on  
22 the morning of trial. Each exhibit shall be clearly tagged and marked. Exhibit tags are available in  
23 the Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits:  
24 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall  
25 be numbered consecutively beginning with the next number not used by plaintiff. Counsel shall  
26

ORDER

1 refrain from submitting duplicate exhibits: once a party has identified an exhibit in the pretrial  
2 order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder with  
3 appropriately numbered tabs.

4 **SETTLEMENT**

5 Should this case settle, counsel shall notify the Deputy Clerk immediately. An attorney  
6 who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as  
7 the Court deems appropriate, pursuant to GR 3(b).  
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9 IT IS SO ORDERED this 8<sup>TH</sup> day of April 2004.

10 s/ Barbara Jacobs Rothstein  
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12 BARBARA JACOBS ROTHSTEIN  
13 U.S. DISTRICT JUDGE  
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ORDER